

Title 1, §407, Decisions

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§407. Decisions

1. Conditional approval or denial. Every agency shall make a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The agency shall set forth in the record the reason or reasons for its decision and make finding of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it. [1975, c. 758 (new) .]

2. Dismissal or refusal to renew contract. Every agency shall make a written record of every decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. The agency shall, except in case of probationary employees, set forth in the record the reason or reasons for its decision and make findings of fact, in writing, sufficient to appraise the individual concerned and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it. [1975, c. 758 (new) .]

PL 1975, Ch. 758, § (NEW) .

Title 20-A, §13201, Nomination and election of teachers; teacher contracts

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§13201. Nomination and election of teachers; teacher contracts

The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board shall make. Upon the approval of nominations, by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent may deem proper, subject to the approval of the school board. Prior to May 15th before the expiration of a first or 2nd year probationary teacher's contract, the superintendent shall notify the teacher in writing of the superintendent's decision to nominate or not nominate that teacher for another teaching contract. If, after receiving a complaint from a teacher, the commissioner finds that the superintendent has failed to notify a teacher of a decision not to nominate that teacher, the school administrative unit shall pay a forfeiture to the teacher. The amount of that forfeiture shall be equal to the teacher's per diem salary rate times the number of days between the notification deadline and the date on which notification is made or on which the complaint is filed, whichever occurs first. In case the superintendent of schools and the school board fail to legally elect a teacher, the commissioner shall have the authority to appoint a substitute teacher who shall serve until such election is made. [1989, c. 285 (amd).]

After a probationary period not to exceed 2 years, subsequent contracts of duly certified teachers shall be for not less than 2 years. Unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract shall be extended automatically for one year and similarly in subsequent years. The right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties. [1981, c. 693, § 5, 8 (new).]

Just cause for dismissal or nonrenewal shall be a negotiable item in accordance with the procedure set forth in Title 26, chapter 9-A, for teachers who have served beyond the probationary period. [1983, c. 371 (amd).]

After a probationary period of 2 years, any teacher, who receives notice in accordance with this section that his or her contract is not going to be renewed, may during the 15 days following such notification request a hearing with the school board. The teacher may request reasons. The hearing shall be private except by mutual consent and except that either or both parties may be represented by counsel. That hearing must be granted within 30 days of the receipt of the teacher's request. [1983, c. 806, § 93 (amd).]

The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall shall be a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A, provided that in any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include, but shall not be limited to, seniority. [1985, c. 797, § 51 (amd).]

PL 1981, Ch. 693, §5,8 (NEW).

PL 1983, Ch. 147, §2 (AMD).

PL 1983, Ch. 371, § (AMD).

PL 1983, Ch. 806, §93 (AMD).

PL 1985, Ch. 797, §50,51 (AMD).

PL 1989, Ch. 285, § (AMD).

Title 20-A, §13202, Teacher dismissal

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§13202. Teacher dismissal

A school board, after investigation, due notice of hearing and hearing thereon, shall dismiss any teacher, although having the requisite certificate, who proves unfit to teach or whose services the board deems unprofitable to the school; and give to that teacher a certificate of dismissal and of the reasons for the dismissal, a copy of which the board shall retain. That dismissal shall not deprive the teacher of compensation for previous services. [1981, c. 693, § 5, 8 (new) .]

PL 1981, Ch. 693, §5,8 (NEW) .